

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2007-1535-PST-E TCEQ ID: RN102485976 CASE NO.: 34717
RESPONDENT NAME: Z Q Inc. dba Max Mart

Page 1 of 3

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input checked="" type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Max Mart, 4712 San Pedro Avenue, San Antonio, Bexar County</p> <p>TYPE OF OPERATION: Convenience store with retail sales of gasoline</p> <p>SMALL BUSINESS: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on March 10, 2008. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. Philip DeFrancesco, Enforcement Division, Enforcement Team 6, MC R-04, (817) 588-5933; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: Mr. Nadir Ali, President, Z Q Inc., 4712 San Pedro Avenue, San Antonio, Texas 78212-1438 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: July 10, 2007</p> <p>Date of NOV/NOE Relating to this Case: September 4, 2007 (NOE)</p> <p>Background Facts: This was a routine investigation.</p> <p>WASTE</p> <p>1) Failed to provide a method of release detection capable of detecting a release from any portion of the underground storage tank ("UST") system which contained regulated substances [30 TEX. ADMIN. CODE § 334.50(a)(1)(A) and TEX. WATER CODE § 26.3475(c)(1)].</p> <p>2) Failed to have the required UST records maintained, readily accessible, and make them available for the inspection upon request by agency personnel [30 TEX. ADMIN. CODE § 334.10(b)].</p> <p>3) Failed to notify the agency of any change or additional information regarding USTs within 30 days from the date of the occurrence of the change or addition, as applicable. Specifically, the registration was not updated to reflect the accurate information for release detection [30 TEX. ADMIN. CODE § 334.7(d)(3)].</p> <p>4) Failed to ensure that the UST registration and self-certification form is fully and accurately completed and submitted to the agency in a timely manner. Specifically, the self-certification was incorrectly completed [30 TEX. ADMIN. CODE § 334.8(c)(4)(B)].</p> <p>5) Failed to make available to a common carrier a valid current TCEQ delivery certificate before accepting delivery of a</p>	<p>Total Assessed: \$4,500</p> <p>Total Deferred: \$900 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid (Due) to General Revenue: \$100 (remaining \$3,500 due in 35 monthly payments of \$100 each)</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:</p> <p>a. Successfully installed and implemented a release detection method on September 2, 2007;</p> <p>b. Submitted an updated TCEQ UST registration and self-certification Form to the agency and obtained a delivery certificate on September 5, 2007; and</p> <p>c. Submitted documentation to show the required UST documents are being maintained on-site on September 5, 2007.</p>

regulated substance into the USTs. Specifically, one fuel delivery was accepted without a delivery certificate [30 TEX. ADMIN. CODE § 334.8(c)(5)(A)(i) and TEX. WATER CODE § 26.3467(a)].		
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Additional ID No(s): 7097



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision May 25, 2007

DATES	Assigned	10-Sep-2007	Screening	17-Sep-2007	EPA Due	
	PCW	19-Sep-2007				

RESPONDENT/FACILITY INFORMATION	
Respondent	Z Q Inc. dba Max Mart
Reg. Ent. Ref. No.	RN102485976
Facility/Site Region	13-San Antonio
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	34717	No. of Violations	4
Docket No.	2007-1535-PST-E	Order Type	1660
Media Program(s)	Petroleum Storage Tank	Enf. Coordinator	Philip DeFrancesco
Multi-Media		EC's Team	EnforcementTeam 6
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)		Subtotal 1	\$5,000									
ADJUSTMENTS (+/-) TO SUBTOTAL 1												
Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.												
Compliance History	0% Enhancement	Subtotals 2, 3, & 7	\$0									
Notes	No adjustment due to compliance history.											
Culpability	No	0% Enhancement	Subtotal 4 \$0									
Notes	The Respondent does not meet the culpability criteria.											
Good Faith Effort to Comply	10% Reduction	Subtotal 5	\$500									
<table border="1"> <tr> <td>Extraordinary</td> <td>Before NOV</td> <td>NOV to EDPRP/Settlement Offer</td> </tr> <tr> <td>Ordinary</td> <td></td> <td>X</td> </tr> <tr> <td>N/A</td> <td></td> <td>(mark with x)</td> </tr> </table>	Extraordinary	Before NOV	NOV to EDPRP/Settlement Offer	Ordinary		X	N/A		(mark with x)	Notes The Respondent came into compliance on September 5, 2007.		
Extraordinary	Before NOV	NOV to EDPRP/Settlement Offer										
Ordinary		X										
N/A		(mark with x)										
Total EB Amounts	\$53	0% Enhancement*	Subtotal 6 \$0									
Approx. Cost of Compliance	\$7,100	*Capped at the Total EB \$ Amount										
SUM OF SUBTOTALS 1-7		Final Subtotal	\$4,500									
OTHER FACTORS AS JUSTICE MAY REQUIRE		Adjustment	\$0									
Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)												
Notes												
		Final Penalty Amount	\$4,500									
STATUTORY LIMIT ADJUSTMENT		Final Assessed Penalty	\$4,500									
DEFERRAL		20% Reduction	Adjustment -\$900									
Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)												
Notes	Deferral offered for expedited settlement.											
PAYABLE PENALTY		\$3,600										

Screening Date 17-Sep-2007

Docket No. 2007-1535-PST-E

PCW

Respondent Z Q Inc. dba Max Mart

Policy Revision 2 (September 2002)

Case ID No. 34717

PCW Revision May 25, 2007

Reg. Ent. Reference No. RN102485976

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Philip DeFrancesco

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action <i>(number of NOVs meeting criteria)</i>	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability <i>(number of orders meeting criteria)</i>	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government <i>(number of judgements or consent decrees meeting criteria)</i>	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government <i>(number of counts)</i>	0	0%
Emissions	Chronic excessive emissions events <i>(number of events)</i>	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which notices were submitted)</i>	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which violations were disclosed)</i>	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 0%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

No adjustment due to compliance history.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 0%

Screening Date 17-Sep-2007 Respondent Z Q Inc. dba Max Mart Case ID No. 34717 Reg. Ent. Reference No. RN102485976 Media [Statute] Petroleum Storage Tank Enf. Coordinator Philip DeFrancesco Violation Number <input type="text" value="1"/>	Docket No. 2007-1535-PST-E PCW <i>Policy Revision 2 (September 2002)</i> <i>PCW Revision May 25, 2007</i>																			
Rule Cite(s) <input type="text" value="30 Tex. Admin. Code § 334.50(a)(1)(A) and Tex. Water Code § 26.3475(c)(1)"/>																				
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One quarterly event is recommended based on documentation of the violation during the July 10, 2007 investigation to the September 2, 2007 compliance date.																				
Economic Benefit (EB) for this violation																				
Statutory Limit Test																				
Estimated EB Amount <input type="text" value="\$48"/>	Violation Final Penalty Total <input type="text" value="\$2,250"/>																			
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$2,250"/>																				

Economic Benefit Worksheet

Respondent Z Q Inc. dba Max Mart
Case ID No. 34717
Reg. Ent. Reference No. RN102485976
Media Petroleum Storage Tank
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$6,500	10-Jul-2007	2-Sep-2007	0.1	\$48	n/a	\$48

Notes for DELAYED costs

The actual cost as per receipt submitted by the Respondent for installation of release detection method for the UST. The date required is the investigation date and the final date is the date of compliance

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$6,500

TOTAL

\$48

Screening Date 17-Sep-2007 Respondent Z Q Inc. dba Max Mart Case ID No. 34717 Reg. Ent. Reference No. RN102485976 Media [Statute] Petroleum Storage Tank Enf. Coordinator Philip DeFrancesco Violation Number <input type="text" value="2"/> Rule Cite(s) <input type="text" value="30 Tex. Admin. Code § 334.10(b)"/> Violation Description Failed to have the required UST records maintained, readily accessible, and make them available for the inspection upon request by agency personnel.	Docket No. 2007-1535-PST-E PCW <small>Policy Revision 2 (September 2002) PCW Revision May 25, 2007</small>																			
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<table style="width: 100%;"> <tr> <td style="width: 50%;"> Estimated EB Amount <input type="text" value="\$4"/> </td> <td style="width: 50%;"> Statutory Limit Test </td> </tr> <tr> <td></td> <td> Violation Final Penalty Total <input type="text" value="\$900"/> </td> </tr> <tr> <td colspan="2" style="text-align: right;"> This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$900"/> </td> </tr> </table>		Estimated EB Amount <input type="text" value="\$4"/>	Statutory Limit Test		Violation Final Penalty Total <input type="text" value="\$900"/>	This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$900"/>														
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Economic Benefit Worksheet

Respondent: Z Q Inc. dba Max Mart
Case ID No. 34717
Reg. Ent. Reference No. RN102485976
Media Petroleum Storage Tank
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	\$500	10-Jul-2007	5-Sep-2007	0.2	\$4	n/a	\$4
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to maintain UST records. The date required is the investigation date and the final date is the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$4

Screening Date 17-Sep-2007	Docket No. 2007-1535-PST-E	PCW
Respondent Z Q Inc. dba Max Mart	<small>Policy Revision 2 (September 2002)</small>	
Case ID No. 34717	<small>PCW Revision May 25, 2007</small>	
Reg. Ent. Reference No. RN102485976		
Media [Statute] Petroleum Storage Tank		
Enf. Coordinator Philip DeFrancesco		
Violation Number 3		
Rule Cite(s)	30 Tex. Admin. Code §§ 334.7(d)(3) and 334.8(c)(4)(B)	
Violation Description	<p>Failed to notify the agency of any change or additional information regarding USTs within 30 days from the date of occurrence of the change or addition. Specifically, the registration was not updated to reflect the accurate information for release detection. Also, failed to ensure that the UST registration and self-certification form is fully and accurately completed and submitted to the agency in a timely manner. Specifically, the self-certification was incorrectly completed.</p>	
Base Penalty		\$10,000

>> Environmental, Property and Human Health Matrix

		Harm			
	Release	Major	Moderate	Minor	
OR	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

		Falsification			
		Major	Moderate	Minor	
		<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="10%"/>

Matrix Notes 100% of the rule requirement was not met.

Adjustment

Violation Events

Number of Violation Events <input type="text" value="1"/>	<input type="text" value="57"/>	Number of violation days
---	---------------------------------	--------------------------

mark only one
with an x

daily	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text" value="x"/>

Violation Base Penalty

One single event is recommended based on documentation of the violation during the July 10, 2007 investigation.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input type="text" value="\$1"/>	Violation Final Penalty Total <input type="text" value="\$900"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$900"/>	

Economic Benefit Worksheet

Respondent Z Q Inc. dba Max Mart
Case ID No. 34717
Reg. Ent. Reference No. RN102485976
Media Petroleum Storage Tank
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$100	10-Jul-2007	5-Sep-2007	0.2	\$1	n/a	\$1

Notes for DELAYED costs

Estimated cost to submit an amended UST registration form to the TCEQ. The date required is the investigation date and the final date is the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$1

Screening Date 17-Sep-2007 Respondent Z Q Inc. dba Max Mart Case ID No. 34717 Reg. Ent. Reference No. RN102485976 Media [Statute] Petroleum Storage Tank Enf. Coordinator Philip DeFrancesco Violation Number 4 Rule Cite(s) 30 Tex. Admin. Code § 334.8(c)(5)(A)(i) and Tex. Water Code § 26.3467(a)	Docket No. 2007-1535-PST-E PCW <i>Policy Revision 2 (September 2002)</i> <i>PCW Revision May 25, 2007</i>												
Violation Description Failed to make available to a common carrier a valid current TCEQ delivery certificate before accepting delivery of a regulated substance into the USTs. Specifically, one fuel delivery was accepted without a delivery certificate.													
Base Penalty \$10,000													
>> Environmental, Property and Human Health Matrix													
OR	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td></td> <td style="text-align: center;">Harm</td> <td></td> </tr> <tr> <td></td> <td style="text-align: center;">Major Moderate Minor</td> <td></td> </tr> <tr> <td>Release Actual</td> <td></td> <td></td> </tr> <tr> <td>Potential</td> <td></td> <td style="text-align: center;">x</td> </tr> </table> <p style="text-align: right;">Percent 5%</p>		Harm			Major Moderate Minor		Release Actual			Potential		x
	Harm												
	Major Moderate Minor												
Release Actual													
Potential		x											
>> Programmatic Matrix													
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td></td> <td style="text-align: center;">Falsification</td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </table> <p style="text-align: right;">Percent 0%</p>		Falsification	Major	Moderate	Minor							
	Falsification	Major	Moderate	Minor									
Matrix Notes	<div style="border: 1px solid black; padding: 5px;">Human health or the environment will or could be exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.</div>												
Adjustment \$9,500													
<div style="border: 1px solid black; width: 100px; float: right; text-align: center;">\$500</div>													
Violation Events													
<table style="width: 100%;"> <tr> <td style="width: 40%;"> Number of Violation Events 1 </td> <td style="width: 20%;"></td> <td style="width: 40%;"> Number of violation days 1 </td> </tr> </table>		Number of Violation Events 1		Number of violation days 1									
Number of Violation Events 1		Number of violation days 1											
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daily													
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<table style="width: 100%;"> <tr> <td style="width: 50%;">Economic Benefit (EB) for this violation</td> <td style="width: 50%;">Statutory Limit Test</td> </tr> <tr> <td> Estimated EB Amount \$0 </td> <td> Violation Final Penalty Total \$450 </td> </tr> <tr> <td colspan="2" style="text-align: right;"> This violation Final Assessed Penalty (adjusted for limits) \$450 </td> </tr> </table>		Economic Benefit (EB) for this violation	Statutory Limit Test	Estimated EB Amount \$0	Violation Final Penalty Total \$450	This violation Final Assessed Penalty (adjusted for limits) \$450							
Economic Benefit (EB) for this violation	Statutory Limit Test												
Estimated EB Amount \$0	Violation Final Penalty Total \$450												
This violation Final Assessed Penalty (adjusted for limits) \$450													

Economic Benefit Worksheet

Respondent Z Q Inc. dba Max Mart
 Case ID No. 34717
 Reg. Ent. Reference No. RN102485976
 Media Petroleum Storage Tank
 Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Economic benefit included in violation 3.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

TOTAL

\$0

Compliance History

Customer/Respondent/Owner-Operator:	CN602733487	Z Q Inc.	Classification: Average	Rating: 3.01
Regulated Entity:	RN102485976	MAX MART	Classification: Average by Default	Site Rating: 3.01
ID Number(s):	PETROLEUM STORAGE TANK REGISTRATION	REGISTRATION	7097	
Location:	4712 SAN PEDRO AVE, SAN ANTONIO, TX, 78212		Rating Date: 9/1/2007 Repeat Violator: NO	
TCEQ Region:	REGION 13 - SAN ANTONIO			
Date Compliance History Prepared:	September 20, 2007			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	September 20, 2007 to September 20, 2007			
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History				
Name:	Philip DeFrancesco		Phone:	(817) 588-5933

Site Compliance History Components

- | | |
|--|-----|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | Yes |
| 2. Has there been a (known) change in ownership of the site during the compliance period? | No |
| 3. If Yes, who is the current owner? | N/A |
| 4. If Yes, who was/were the prior owner(s)? | N/A |
| 5. When did the change(s) in ownership occur? | N/A |

Components (Multimedia) for the Site :

- | | | |
|------------------------|---|--|
| A. | Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government. | |
| | N/A | |
| B. | Any criminal convictions of the state of Texas and the federal government. | |
| | N/A | |
| C. | Chronic excessive emissions events. | |
| | N/A | |
| D. | The approval dates of investigations. (CCEDS Inv. Track. No.) | |
| | N/A | |
| E. | Written notices of violations (NOV). (CCEDS Inv. Track. No.) | |
| F. | Environmental audits. | |
| | N/A | |
| G. | Type of environmental management systems (EMSs). | |
| | N/A | |
| H. | Voluntary on-site compliance assessment dates. | |
| | N/A | |
| I. | Participation in a voluntary pollution reduction program. | |
| | N/A | |
| J. | Early compliance. | |
| | N/A | |
| Sites Outside of Texas | | |
| | N/A | |

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
Z Q INC. DBA MAX MART
RN102485976

§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2007-1535-PST-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Z Q Inc. dba Max Mart ("the Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a convenience store with retail sales of gasoline at 4712 San Pedro Avenue in San Antonio, Bexar County, Texas (the "Facility").
2. The Respondent's one underground storage tank ("UST") is not exempt or excluded from regulation under the Texas Water Code or the rules of the Commission.
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about September 9, 2007.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of Four Thousand Five Hundred Dollars (\$4,500) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid One Hundred Dollars (\$100) of the administrative penalty and Nine Hundred Dollars (\$900) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

The remaining amount of Three Thousand Five Hundred Dollars (\$3,500) of the administrative penalty shall be payable in 35 monthly payments of One Hundred Dollars (\$100) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If the Respondent fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of the Respondent to meet the payment schedule of this Agreed Order constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms of this Agreed Order.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
 - a. Successfully installed and implemented a release detection method on September 2, 2007;
 - b. Submitted an updated TCEQ UST registration and self-certification Form to the agency and obtained a delivery certificate on September 5, 2007; and
 - c. Submitted documentation to show the required UST documents are being maintained on-site on September 5, 2007.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.

1. The first part of the paper discusses the importance of the research and the objectives of the study. It also provides a brief overview of the methodology used in the study.

2. The second part of the paper presents the results of the study. It includes a detailed description of the data collected and the analysis performed. The results are presented in a clear and concise manner, with appropriate use of tables and figures.

3. The third part of the paper discusses the implications of the findings. It explores the potential applications of the research and the limitations of the study. The author also provides a conclusion and a list of references.

4. The fourth part of the paper is a discussion of the research. It includes a detailed description of the data collected and the analysis performed. The results are presented in a clear and concise manner, with appropriate use of tables and figures.

5. The fifth part of the paper discusses the implications of the findings. It explores the potential applications of the research and the limitations of the study. The author also provides a conclusion and a list of references.

6. The sixth part of the paper is a discussion of the research. It includes a detailed description of the data collected and the analysis performed. The results are presented in a clear and concise manner, with appropriate use of tables and figures.

7. The seventh part of the paper discusses the implications of the findings. It explores the potential applications of the research and the limitations of the study. The author also provides a conclusion and a list of references.

8. The eighth part of the paper is a discussion of the research. It includes a detailed description of the data collected and the analysis performed. The results are presented in a clear and concise manner, with appropriate use of tables and figures.

9. The ninth part of the paper discusses the implications of the findings. It explores the potential applications of the research and the limitations of the study. The author also provides a conclusion and a list of references.

10. The tenth part of the paper is a discussion of the research. It includes a detailed description of the data collected and the analysis performed. The results are presented in a clear and concise manner, with appropriate use of tables and figures.

12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, the Respondent is alleged to have:

1. Failed to provide a method of release detection capable of detecting a release from any portion of the UST system which contained regulated substances, in violation of 30 TEX. ADMIN. CODE § 334.50(a)(1)(A) and TEX. WATER CODE § 26.3475(c)(1), as documented during an investigation conducted on July 10, 2007.
2. Failed to have the required UST records maintained, readily accessible, and make them available for the inspection upon request by agency personnel, in violation of 30 TEX. ADMIN. CODE § 334.10(b), as documented during an investigation conducted on July 10, 2007.
3. Failed to notify the agency of any change or additional information regarding USTs within 30 days from the date of the occurrence of the change or addition, as applicable, in violation of 30 TEX. ADMIN. CODE § 334.7(d)(3) as documented during an investigation conducted on July 10, 2007. Specifically, the registration was not updated to reflect the accurate information for release detection.
4. Failed to ensure that the UST registration and self-certification form is fully and accurately completed and submitted to the agency in a timely manner, in violation of 30 TEX. ADMIN. CODE § 334.8(c)(4)(B) as documented during an investigation conducted on July 10, 2007. Specifically, the self-certification was incorrectly completed.
5. Failed to make available to a common carrier a valid current TCEQ delivery certificate before accepting delivery of a regulated substance into the USTs, in violation of 30 TEX. ADMIN. CODE § 334.8(c)(5)(A)(i) and TEX. WATER CODE § 26.3467(a). Specifically, one fuel delivery was accepted without a delivery certificate.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Z Q Inc. dba Max Mart, Docket No. 2007-1535-PST-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088
2. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
3. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
5. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
6. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.

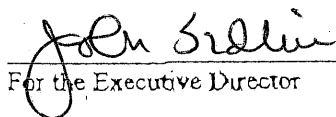
7. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

Z Q Inc. dba Max Mart
DOCKET NO. 2007-1535-PST-E
Page 6

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission


For the Executive Director

3/5/2008

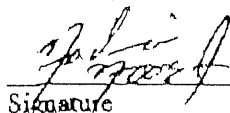
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.


Signature

01-07-08
Date

NADIR ALI

Name (Printed or typed)

Authorized Representative of

Z Q Inc. dba Max Mart

President
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

